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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,215	12/03/2003	Ahmad H. Tawil	016295.1505	5431
23640	7590	05/29/2009		
BAKER BOTTS, LLP 910 LOUISIANA HOUSTON, TX 77002-4995			EXAMINER FRITZ, BRADFORD F	
			ART UNIT 2442	PAPER NUMBER
			NOTIFICATION DATE 05/29/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

debbie.allen@bakerbotts.com

Office Action Summary

Application No.

10/727,215

Applicant(s)

TAWIL, AHMAD H.

Examiner

BRADFORD F. FRITZ

Art Unit

2442

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,9-16,18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9-16,18 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, filed 2/09/09, with respect to the rejection(s) of claim(s) 1, 3-7, 9-16, 18, and 20, have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Banzhaf et al. (6,697,924).
2. However, Applicant's other arguments filed 2/09/09 have been fully considered but they are not persuasive.
3. In the remarks, applicant argued in substance that:

(A) The Applicant has amended the claims and overcome the rejections under 35 U.S.C. 112.

As to point (A), the Examiner respectfully disagrees. The Examiner notes that claims 1, 16, 18, and 20 still recite alternative (i.e., "one or more...") language which presents uncertainty or ambiguity with respect to the question of scope or clarity of the claims, thereby rendering the scope of the claims unascertainable. See MPEP § 2173.05(h).

(B) The Applicant argues that the term "application" is distinct and separate from an "operating system" because operating system can be defined as application-

independent software that supports the running of application software and manages the resources of the application platform.

As to point (B), the Examiner respectfully disagrees. First, the definition of the claimed term "application" is more important than any definition for an unclaimed term (i.e., operating system). The Examiner notes that application software is any tool that functions and is operated by means of a computer, with the purpose of supporting or improving the software user's work. An OS clearly falls within this definition of application. Also, the Examiner notes that Even if an OS is application-independent, as the applicant argues, this does not preclude an OS from being an application itself.

The Examiner suggests distinguishing the claimed "application" from an operating system by amending the claims to positively recite that the application runs on top of an operating system (i.e., "an application running on an OS").

Claim Rejections - 35 USC § 112

4. Claims 1, 16, 18, and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Regarding claims 1, 16, 18, and 20, the phrase "...one or more" renders the claim(s) indefinite because the phrase presents uncertainty or ambiguity with respect to the question of scope or clarity of the claims, thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(h).

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 3-7, 9-16, 18, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Banzhaf et al. (6,697,924), hereinafter referred to as Banzhaf.

8. Regarding claims 1 and 18, Swank disclosed associating with an association module at least one application identifier and one or more storage unit identifiers to form at least one association (paragraph 0030, Fig. 1),

each application identifier identifying an application of a host computer (paragraph 0030, Fig. 1), each storage unit identifier identifying a storage unit of the information handling system (paragraph 0030, Fig. 1); and for each association (paragraph 0030, Fig. 1),

assigning each storage unit identified by each storage unit identifier to each host computer having the application identified by each associated application identifier (paragraphs 0006, 0031, and 0039-0041), wherein each storage unit is operable for use by an application that has been identified to the storage unit (paragraphs 0031, and 0039-0041, Fig. 2),

wherein the association module includes a mapping table having at least one row (paragraph 0030, Fig. 1), each row of the mapping table including a storage unit identifier (paragraph 0030, Fig. 1), and an application identifier (paragraph 0030, Fig. 1), each row of the mapping table forming an association of a storage unit and an application (paragraph 0030, Fig. 1).

9. Regarding claims 3 and 9, Swank disclosed each application identifier includes a node name and a port name of a host bus adapter of the host computer having the application identified by the application identifier (paragraphs 0006 and 0038-0041).

10. Regarding claims 4, 5, 10, and 11, Swank disclosed the node/port name includes a World-Wide Name (WWN) (paragraphs 0006 and 0038-0041, Fig. 1).

11. Regarding claims 6 and 12, Swank disclosed wherein the storage unit identifier includes a logical unit number (LUN) (paragraphs 0006 and 0038-0041, Fig. 1).

12. Regarding claim 7, Swank disclosed associating an application identifier and a storage unit identifier to form an association (paragraph 0030, Fig. 1), each application identifier identifying an application of a host computer (paragraph 0030, Fig. 1), each storage unit identifier identifying a storage unit of the information handling system (paragraph 0030, Fig. 1);

receiving at one storage unit (paragraphs 0052-0056, Fig. 2), a request from a host (paragraphs 0052-0056, Fig. 2), the request including a request application identifier (paragraphs 0052-0056, Fig. 2); and permitting access to the storage unit for use by an application associated with the request application identifier if the identifier of

the storage unit (paragraphs 0040-0047, Fig. 2), and the request application identifier have an association in the association module (paragraphs 0040-0047, Fig. 2),

wherein the association module includes a mapping table having at least one row (paragraph 0030, Fig. 1), each row of the mapping table including a storage unit identifier (paragraph 0030, Fig. 1), and an application identifier (paragraph 0030, Fig. 1), each row of the mapping table forming an association of a storage unit and an application (paragraph 0030, Fig. 1).

13. Regarding claim 13, Swank disclosed selecting an application identifier (paragraphs 0006, 0031, and 0039-0041); and assigning at least one storage unit to the host computer having the application identified by the application identifier (paragraphs 0006, 0031, and 0039-0041).

14. Regarding claim 14, Swank disclosed booting the host computer (paragraphs 0006, 0031, and 0039-0041), the host computer including an application (paragraphs 0006, 0031, and 0039-0041), the application having an application identifier (paragraphs 0006, 0031, and 0039-0041);

selecting an application identifier (paragraphs 0006, 0031, and 0039-0041); assigning at least one storage unit to the host (paragraphs 0006, 0031, and 0039-0041), the assigned storage unit being associated through an association module with the application identifier to form an association (paragraph 0030, Fig. 1),

wherein each storage unit assigned is operable for use by an application that has been identified to the storage unit and wherein the association module includes a mapping table having one or more rows (paragraph 0030, Fig. 1), each row of the

mapping table including a storage unit identifier (paragraph 0030, Fig. 1), and an application identifier (paragraph 0030, Fig. 1), each row of the mapping table forming an association of a storage unit and an application (paragraph 0030, Fig. 1), and installing the application on the host computer (paragraph 0030, Fig. 1).

15. Regarding claim 15, Swank disclosed booting the host computer (paragraphs 0052-0056, Fig. 2); selecting an application identifier (paragraphs 0052-0056, Fig. 2), the application identifier being associated with a desired application (paragraphs 0052-0056, Fig. 2); configuring the host computer to include the application identifier (paragraphs 0052-0056, Fig. 2); and booting the host computer (paragraphs 0052-0056, Fig. 2).

16. Regarding claim 16, Swank disclosed at least one host computer having at least one application (paragraph 0030, Fig. 1), each having an application identifier (paragraph 0030, Fig. 1); a storage medium interfaced with each host computer (paragraph 0030, Fig. 1), the storage medium including one or more storage units (paragraph 0030, Fig. 1), each storage unit having a storage identifier (paragraph 0030, Fig. 1); an association module associating at least one application identifier and one or more storage unit identifiers to form an association (paragraph 0030, Fig. 1),

wherein the association module includes a mapping table having at least one row (paragraph 0030, Fig. 1), each row of the mapping table including a storage unit identifier (paragraph 0030, Fig. 1), and an application identifier (paragraph 0030, Fig. 1), each row of the mapping table forming an association of a storage unit and an application (paragraph 0030, Fig. 1);

a control module in communication with the storage medium and each host connection (paragraphs 0006, 0031, and 0039-0041), the control module performs operations comprising: associating at least one application identifier and one or more storage unit identifiers to form an association (paragraphs 0006, 0031, and 0039-0041); and for each association (paragraphs 0006, 0031, and 0039-0041), assigning each storage unit identified by each storage unit identifier to each host having the application identified by each associated application identifier (paragraphs 0006, 0031, and 0039-0041), wherein each storage unit assigned is operable for use only by each identified application (paragraphs 0006, 0031, and 0039-0041).

17. Regarding claim 20, Swank disclosed a data structure storing in the memory, wherein the data structure comprises a mapping table having at least one row (paragraph 0030, Fig. 1), each row of the mapping table including a storage unit identifier and an application identifier (paragraph 0030, Fig. 1), each row of the mapping table forming an association of a storage unit identified by the storage identifier and a host having the application identified by each associated application identifier (paragraphs 0006, 0031, and 0039-0041).

Conclusion

The prior art made of record and not relied upon is considered pertinent to Applicants' disclosure.

a. **Thrasher et al. (7,275,103) also teaches assigning a host application to a LUN.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRADFORD F. FRITZ whose telephone number is (571)272-3860. The examiner can normally be reached on 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew Caldwell/
Supervisory Patent Examiner, Art
Unit 2442

/B. F. F./
Examiner, Art Unit 2442